



There will be no further continuances.

Entered on Docket
October 29, 2008

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

Jointly Administered Under
Case No. BK-S-06-10725-LBR

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

STIPULATION AND ORDER TO CONTINUE HEARING ON MOTION TO QUASH SUBPOENAS

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA First Trust Deed Fund, LLC

Date of Hearing: October 28, 2008

Time of Hearing: 9:30 a.m.

1 This stipulation is made by and between USA CAPITAL DIVERSIFIED TRUST DEED
 2 FUND, LLC, by and through its counsel SNELL & WILMER L.L.P., and ROBERT A.
 3 RUSSELL, individually and as agent for UNSER/CENTRAL PARTNERS, LLP; RUSSELL/AD
 4 DEVELOPMENT GROUP; INTERSTATE COMMERCE CENTER, LLC; AD
 5 ALBUQUERQUE DEVELOPMENT, LLC (collectively, with Russell, the "Russell Entities"), by
 6 and through his/their attorneys, SUSAN WILLIAMS SCANN, ESQ. of the law firm of
 7 DEANER, DEANER, SCANN, MALAN & LARSEN, and SCOTT A. MCGATH, Esq. of the
 8 law firm of OVERTURF MCGATH HULL & DOHERTY, PC, as follows:

9 1. On April 10, 2008, the Russell Entities filed an Objection to Notices of 2004
 10 Examinations, Motion to Quash Subpoenas and or for Protective Order and Motion for Limitation
 11 of Rule 2004 Examinations [Docket No. 6176] (the "Motion"), with hearing initially scheduled
 12 for May 8, 2008.

13 2. The hearing on the Motion was initially continued to July 14, 2008. *See* May 8,
 14 2008 Minute Order [Docket No. 6378].

15 3. The hearing on the Motion was then continued to August 26, 2008 pursuant to a
 16 stipulation and order entered on July 14, 2008. *See* July 14, 2008 Stipulation to Continue Hearing
 17 on Motion to Quash Subpoenas and or For Protective Order and Motion for Limitation of Rule
 18 2004 Examination [Docket No. 6518].

19 4. The hearing on the Motion was again continued to October 28, 2008 pursuant to a
 20 stipulation and order entered on August 26, 2008. *See* August 26, 2008 Stipulation to Continue
 21 Hearing on Motion to Quash Subpoenas [Docket No. 6562].

22 5. The parties are attempting to resolve their dispute and agree to continue the
 23 hearing on the Motion to January 22, 2009 at 9:30 a.m..

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1 IT IS SO ORDERED.
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SNELL & WILMER L.L.P.

DEANER, DEANER, SCANN, MALAN &
LARSEN

By: /s/ Claire Y. Dossier

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11
12 RESPECTFULLY SUBMITTED BY:
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SNELL & WILMER L.L.P.

15
16 By: /s/ Claire Y. Dossier

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